



# Bereavement guide

Losing someone close to you is a particularly difficult and often confusing time. It can be hard to know where to start. This guide is designed to help you deal with any jars held with Intelligent Finance and also contains some general information that may be of use at this time.

## Probate, administration and confirmation

When someone dies, the person responsible for handling the deceased's estate may need to get a legal document called 'Grant of Probate' or 'Letters of Administration'. This gives authority to take charge of all the property and possessions and distribute them according to the wishes expressed in the will or the laws of intestacy.

Some people choose to employ the services of a solicitor to arrange this for them, as it involves listing details of the value of the estate, which can be a difficult and lengthy process. Others apply themselves.

It really depends on the size of the estate – the larger it is, the more complicated it can be. For smaller estates the Registrar, (at the local Probate Registry), may be able to help you or you may want to take legal advice.

We will only be able to release funds from the plan on the production of a Certified Grant of Representation Certificate which may be referred to as Probate or Certificate of Confirmation (the Scottish equivalent of a Grant of Representation).

## Applying for Probate or Letters of Administration yourself

If you live in England, Wales or Northern Ireland, you need to apply to your local Probate Registry for one of the following documents.

- 'Grant of Probate' (if there is a will) appointing one or more executors.
- 'Letters of Administration' (if there is not a will) to appoint one or more administrators.

If you live in Scotland, the executor can apply to the local court for a 'Certificate of Confirmation', instead of the above documents. You can get the address and telephone number of the local Probate Registrar and Court (if you live in Scotland) from the Yellow Pages, Directory Enquiries or Citizens' Advice Bureau.

## Statutory Declaration

Special, but simple rules apply when someone leaves an estate worth less than £25,000 in total, in their sole name. If you are the executor, beneficiary or all the beneficiaries entitled to the estate, you will usually only need to show us the death certificate and fill in a 'Statutory Declaration' form to allow us to release the funds. However if the estate is worth more than £25,000 a Statutory Declaration cannot be completed.

## What is the difference between an executor and administrator?

An executor (executor nominate in Scotland) carries out the wishes expressed in the will and administers the estate. An administrator (executor dative in Scotland) is appointed by the Court to administer the estate if there is not a will, or the executor / executors named in the will are unable or unwilling to act.

## Is probate always necessary?

We will not need to see a Grant of Probate if the total value of the estate is less than £25,000. Although funds held with Intelligent Finance may be less than £25,000, if the entire estate is greater than £25,000 you are required to apply for Probate and we will require sight of this. Other banks/building societies may have different limits. A 'small estate', (usually defined as less than £5,000), can usually be settled without a Grant of Probate, Letters of Administration or Certificate of Confirmation but this will depend on what assets are held.

## Will there be inheritance tax to pay?

There may be a liability to pay inheritance tax depending on the value of the deceased's estate. It is recommended that you get help from a solicitor or tax adviser.

## We will help you to cope with funeral expenses/ inheritance tax

We will allow funds to be withdrawn from a jar if you require payment of the invoice to the funeral director or for inheritance tax.

We will issue the inheritance tax funds directly to HM Revenue & Customs by CHAPS transfer and will require a completed IHT423 – Application to Transfer Funds to Pay Inheritance Tax form.

To allow us to pay a funeral director we require the original invoice. Funds will be deducted from the late client's jar and a corporate cheque will be issued to the funeral company requesting that they send a receipt to the executor. Please note that we can only pay a funeral director and we will not reimburse any other expenses for the funeral.

## What happens with the Intelligent Finance plan?

We act on the instructions of the Executor and the Solicitor, if one has been appointed, to ensure the correct paperwork is received to enable the funds to be released from the late client's plan.

If at this point we have not received the Death Certificate we will call or write to you to request this document. We require either the original Death Certificate, or a copy certified by a Solicitor or a member of staff from a Halifax or Bank of Scotland branch.

### If we have received the Death Certificate:

- If the deceased was an ISA holder and died before 6 April 2018, update the interest status so that tax is payable after the date of death; if the ISA holder died on or after 6 April 2018 the ISA(s) will remain open and remain tax free until the third anniversary of the date of death or the ISA is closed by the estate, whichever is earlier.
- Any Power of Attorney access would be removed.

If requested, Date of Death Balances will then be issued. These are often required for Probate purposes.

- If the balance is under £50.00 we can release the funds without sight of further paperwork
- If the balances are under £25,000 we will establish if Probate/Confirmation is being applied for or if a Statutory Declaration is required
- If the balances held total £25,000 or over, Probate or Confirmation will be required to release the funds.

## What about a joint plan?

If there are joint jars held within a joint Intelligent Finance plan, the surviving account holder can continue to transact on these joint jars. Any monies automatically pass to the surviving party. We are unable to remove a name from a joint plan; however, we can arrange to open a sole plan for you and can transfer any direct debits, standing orders, regular credits or any balances held, upon request. We will discuss your individual requirements with you at your convenience.

If there is a joint current account the surviving party can continue to transact on the current account. We will cancel the card and chequebook of the deceased party. If any direct debits or standing orders have to be stopped or amended please let us know.

## What about a sole jar?

When we have been notified of a death we will freeze any sole jars within a plan, (whether the overall plan is in joint or sole names). As soon as we have received the death certificate we will cancel the debit card, chequebook, direct debits and external standing orders. We will not allow any funds to leave the jar until the necessary documentation required to close the jar has been received. Any funds that are received after the jar has been frozen will be returned to the originator.

## What happens to ISA/TOISA jar/s in the deceased person's name?

Where the deceased customer's date of death is before 6 April 2018 any Individual Savings Accounts (ISA(s)) will be closed. Where the deceased customer's date of death is on or after 6 April 2018 the ISA(s)/TOISA may remain open until the earliest of being closed by the estate or on the third anniversary of the date of death. The surviving spouse or civil partner of a deceased ISA account holder may be entitled to an additional ISA allowance equal to the balance of the deceased holders ISA(s). The surviving spouse or civil partner can choose to take an allowance equivalent to the balance at the date of death or the value at the date the ISA is closed. This entitlement will be in addition to their own annual ISA allowance and may be subject to certain time limits and restrictions.

For more details on eligibility and conditions please contact us on 0345 609 4343.

## What about an outstanding sole personal loan?

Any outstanding loan balance will need to be repaid from the estate.

## What about an outstanding joint personal loan?

The debit balance will fall to the joint holder of the jar to redeem.

## What about a sole mortgage?

If the mortgage was in the sole name of the deceased we will cancel the direct debit and request full payment from the estate. The mortgage may be covered by a life policy, which may repay the debt in full but in any event the bank will wish to discuss the specific plans for repayment of the mortgage. We require regular updates on a mortgage to confirm when redemption will take place.

## What about a joint mortgage?

If the mortgage is in joint names, the surviving party may wish to redeem the mortgage from the estate. In this case, we will advise of the outstanding debt and explain how this can be redeemed. If the mortgage is not being repaid from a life policy or the estate and the tenancy status is joint we can transfer the mortgage to a new sole plan for the survivor, upon your request and in this case, we would require the deceased party's name to be removed from the mortgage title, as part of this exercise. If the tenancy status is Tenants In Common this will be subject to further assessment by us. Any prior agreement of pre-agreed reserve or built-up reserve applied to your joint mortgage will no longer be available. If you require further borrowing this will be subject to further assessment.

**If the mortgage has already been repaid, we may be storing the deeds to the property. Please ask us to check for you.**

## What about interest?

On both sole and joint plans, credit interest will continue to be paid at the normal rates following the death of a customer. Debit interest will continue to be paid and charged until such a time as the jar is closed.

Debit interest will continue to accrue until any debit balance is repaid. A final redemption figure must be requested by the personal representatives before sending us payment to redeem a debit balance, so that any accrued debit interest can be calculated.

## Receipt of Statutory Declaration, Confirmation, Probate

We require the original embossed Probate document or completed Statutory Declaration Form to release the funds.

A covering letter should be included with your instructions for the release of the funds.

Funds can be issued by CHAPS or Cheque.

If you would prefer the funds released by CHAPS we require the following details for the recipient:

- Account
- Payee Name
- Sort Code
- Account Number

**If you have any further questions, please do not hesitate to contact us on 0345 609 4343.**

# Glossary of Terms

Unavoidably, we have had to use a number of technical terms in this booklet. This glossary is a useful guide.

## **Administrator (*Executors Dative in Scotland*)**

The personal representative if there is no will – or if there is a will and the named executors are unable to act. They will usually have to obtain letters of administration (confirmation in Scotland) from the Probate Registry, authorising them to deal with the estate.

## **Beneficiaries**

An individual, institution, trustee, or estate which receives, or may become eligible to receive benefits under a will or other contract.

## **Certification of confirmation**

The Scottish equivalent of a Grant of Representation (see below).

## **Death Certificate**

A certified copy of the entry in the death register. The registrar will be able to provide a number of certified copies to save you time when registering claims with any organisations such as insurance companies.

## **Deed**

A legal document relating to an asset, usually involving property.

## **Estate**

The money, property and possessions of the person who has died.

## **Executor (*Executors Nominat in Scotland*)**

The individual named in the will by the person who has died. They may have to obtain probate from the Probate Registry authorising them to deal with the estate.

## **Grant of Representation**

This is what a person wishing to prove their right to administer the deceased's estate must obtain. The two most common forms of Grants of Representation are Probate and Letters of Administration.

## **Letters of Administration**

Formal permission and the legal right for the administrators to deal with an estate. Known as a grant, it is issued by the Probate Registry.

## **Personal Representation**

The individual or firm (for example, the bank or solicitors) that deals with the estate, either executors or administrators. They are responsible for paying all debts, taxes and expenses from the estate – including the cost of the funeral – and for distributing the estate to the beneficiaries.

## **Probate**

The process of proving the will at the probate registry. It gives the executors a legal right to deal with the estate, and involves their formal promise to do so properly – as instructed by the will. The probate is filed with the will itself at the main probate registry in London or at one of the district registries in England or Wales. The equivalent in Scotland is the Sheriff Clerk (Commissary Office).

## **Statutory declaration**

A formal statement made in a prescribed form witnessed by a solicitor or Commissioner for Oaths under the Statutory Declarations Act 1835. Sometimes these are required by banks or insurance companies regarding the funds held.

## **Tenants in Common/Joint Tenancy**

Tenants in Common means that the co-owners are regarded in law as having separate and distinct shares. They may leave their shares by will. On the death of a Tenant in Common the share of the deceased co-owner is protected by the requirement that another trustee has to be appointed before the land or property can be sold. If the owners have Joint Tenancy they are regarded by the law as owning the whole of the property without any form of separate share or distinction between them. In consequence of death of one of the joint tenants the whole property passes to the survivor.

## **Will**

A legal document that gives instructions for what should happen to the estate of the person who has died. It can also contain details of their wishes for burial or cremation. It usually names the executors.

# Who you should tell

## How to let people know

### Things to consider

We've included a helpful list of organisations that you may need to contact when someone dies, but this list will not take into account the individual circumstances of the person who has died. You should review their bank statements, paperwork, internet bookmarks and files to locate any accounts they held, and make a list of the people and organisations to contact.

### The Government 'Tell Us Once' service

Tell Us Once is a government service in Scotland, England and Wales which allows you to notify key local and central government departments of a death via a single appointment with your local registrar, over the phone or even online.

If Tell Us Once is offered through your local authority, once you have registered the death, you will be offered the service. A member of staff will explain how it works and which departments will be notified. Tell Us Once will then notify them on your behalf and confirm this in writing.

### The service covers:

- Department of Work and Pensions
- HMRC
- DVLA
- Passport Office
- Local authority.

### Other organisations

The easiest way to inform organisations of a death is by phone. It's helpful to have an account number or reference before calling. The organisation will tell you if they need to see any documents, such as a copy of the death certificate.

### Here are some organisations you may need to notify:

- Banks and building societies – if you are not sure which banks or building societies the deceased person's accounts are held with, [www.mylostaccount.org.uk](http://www.mylostaccount.org.uk) can be a useful aid to track down a complete list
- Mortgage, pension, investment and insurance companies
- Car insurance providers – if you're a named driver, you may not be covered if the policy was in their name it becomes void after they die. Speak to the deceased's provider as soon as possible, explaining the situation, to gain a bit of time to make new arrangements.
- Home insurance providers
- Credit and store card providers, card protection providers
- Share registrars.



## For practical information and advice

### **Intelligent Finance**

Tel: 0345 609 4343

### **Government guidance (including Tell Us Once)**

[www.gov.uk/after-a-death](http://www.gov.uk/after-a-death)

### **Citizens' Advice Bureau**

For help on practical and legal matters and contacts for counselling, help and support. Look in your telephone directory for your local office or visit [www.cas.org.uk](http://www.cas.org.uk) in Scotland, [www.adviceguide.org.uk](http://www.adviceguide.org.uk) in England and Wales, or [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) in Northern Ireland.

### **The General Register Office**

PO Box 2, Southport, PR8 2JD

Email: [certificate.services@gro.gsi.gov.uk](mailto:certificate.services@gro.gsi.gov.uk)

### **The General Register for Scotland**

HM General Register House, 2 Princes Street, Edinburgh, EH1 3YY

Tel: 0131 334 0380 or visit [www.gro-scotland.gov.uk](http://www.gro-scotland.gov.uk)

### **HM Revenue & Customs**

Pay As You Earn and Self Assessment, HM Revenue and Customs, BX9 1AS, United Kingdom

Tel: 0300 200 3300 or visit [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

## For emotional support

Please visit the NHS website below for a list of support services in your local area:

### **NHS Bereavement Support**

[www.nhs.uk/Livewell/bereavement/Pages/bereavement.aspx](http://www.nhs.uk/Livewell/bereavement/Pages/bereavement.aspx)

### **Cruse Bereavement Care**

Support, counselling, education, advice and information following a bereavement. [www.cruse.org.uk](http://www.cruse.org.uk)

Tel: 020 8940 4818

### **Grief Encounter**

Support for bereaved children, under the age of 21, and their families, to help them deal with losing someone close. Services are free and funded through supporters. [www.griefencounter.org.uk](http://www.griefencounter.org.uk)

### **National Association of Widows**

Tel: 0121 643 8348

## **For funeral arrangements**

### **The National Society of Allied and Independent Funeral Directors (SAIF)**

They have a code of practice for members to follow. 3 Bullfields, Sawbridgeworth, Herts, CM21 9DB.  
Tel: 01279 726777 or visit [www.saif.org.uk](http://www.saif.org.uk)

### **[www.oft.gov.uk](http://www.oft.gov.uk)**

This website provides further useful information under their 'Consumer's Guide to Funerals'.

### **National Association of Funeral Directors**

Members must follow their code of practice. 618 Warwick Road, West Midlands, B91 1AA.  
Tel: 0121 711 1343 or visit [www.nafd.org.uk](http://www.nafd.org.uk)

### **Register to stop direct mail**

Receiving mail addressed to the person who has died can be upsetting. It can be helpful to sign up with The Bereavement Register [www.the-bereavement-register.org.uk](http://www.the-bereavement-register.org.uk) This free service helps reduce the amount of direct mail being sent to the address of a person who has died.





Visit [if.com](https://www.if.com) or call us today  
on 0345 609 4343.

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Calls may be monitored or recorded in case we need to check we have carried out your instructions correctly and to help improve our quality of service.

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